

### **REMARKS**

Upon entry of the present amendment, the claims in the application are claims 1-20.

### **DRAWINGS**

The OA objects to the original drawings under 37 CFR 1.83(a).

The OA states that the numbers on the counter which are being illuminated are not shown. Applicant respectfully submits that a person of ordinary skill in the art of downrigger counters knows exactly what and where the numbers on a downrigger counter are. Thus, the original drawings and disclosure and claims would be easily understandable in full for the artisan.

Notwithstanding the foregoing, applicant has amended claim 1 by deleting the words “numbers on”, and in addition is supplying revised drawings which include an additional Fig. 3.

### **CLAIM REJECTIONS - 35 USC § 112**

The OA states that original claims 1-20 are rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

The OA states that the claims contain subject matter which are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The OA states that in regard to claim 1, it is unclear from the specification and figures exactly how the downrigger counters are configured and how the numbers are arranged thereon which are to be illuminated by the lighting means.

The OA states it is also unclear as to exactly how the counters operate to measure water depth and whether the counters represent ends of an elongated scale or whether the counters are the same devices providing the same depth readings.

Applicant respectfully traverses this rejection.

It is respectfully submitted that a person skilled in the art of downrigger counter devices would have no difficulty whatsoever in understanding the claims, the specification and the drawings as originally filed.

With regard to the statement in the OA that it is also unclear exactly how the counters operate to measure water depth and whether the counters represent ends of an elongated scale or whether the counters are the same devices providing the same depth readings, applicant respectfully submits that this would be abundantly clear to the artisan skilled in the art of downrigger counter devices.

Downriggers are explained in the patent application, with particular attention to paragraphs 21-25.

Furthermore, it is respectfully submitted that the artisan understands the following material.

Downriggers are tools which allow the fisherperson to control the depth of the bait he or she is using while trolling. The downrigger consists of a reel of small steel cable (usually 150-300 feet of 150-pound test) which runs through a pulley at the end of a boom (usually from 1 to 5 feet long).

At the end of the cable is attached a downrigger weight (anywhere from 3 to 13 pounds) and a line release. The weight is used to take the line down to the depth the fisherperson wishes to troll.

The fisherperson lets out as much line as he or she wants after putting on his or her favorite lure. He or she then connects the line to the release and lowers the weight down to the desired depth.

The rod is placed in a holder on or next to the downrigger and tension is placed on the rod by reeling up a few turns and bending the rod over slightly. When a fish strikes the lure, the line snaps out of the release. At this time, the rod tip will pop up, telling the angler that there has been a strike.

The angler then quickly reels up the slack line until he or she feels pressure from the fish and sets the hook. The fish can now be fought to the boat with the rod and reel. The downrigger weight is then cranked back to the surface and rigged again.

Downriggers allow the angler to more precisely control the depth of the bait. Downriggers allow the use of light action rods and light lines for an exciting fight which you cannot get with most other deep trolling methods. Downriggers allow the angler to fish much deeper with more speed than conventional deep trolling methods. Downriggers also make it much easier to run multiple lines from the same boat without tangles.

With regard to the 35 USC 112, second paragraph, rejections, applicant has amended the claims to comply with the objections made.

#### **CLAIM REJECTIONS - 35 USC § 102**

Original claims 1 and 2 were rejected by the OA under 35 USC 102(b) as allegedly being clearly anticipated by King 4,050,180.

The OA states that King discloses a downrigger board assembly (12, 13 or 80); at least one downrigger counter (36); lighting means (see circuit diagram of Fig. 8 with light bulb shown; light can travel from the area of 60 toward 36, no specific intensity is recited).

Applicant respectfully traverses this rejection.

Applicant respectfully submits that King's Fig. 8 shows no light bulb, and King discloses no lighting means, and King discloses no lighting means for supplying light to the downrigger counter to aid a user of the downrigger counter device to set up equipment in dark or limited light conditions, as required by applicant's claims 1 and 2.

The OA rejects original claims 1, 2, 5, and 6 under 35 USC 102(b) as allegedly being anticipated by Landell 4,691,470.

The OA states that Landell discloses a downrigger board assembly (20; assembly is not being particularly recited); at least one downrigger counter (ruler on 20 in Figs. 1, 2, 4); and lighting means (38).

In regard to claims 5 and 6, the OA states that Landell discloses a counter at each end (ruler has portions at each end of 20).

Applicant respectfully traverses this rejection.

It is respectfully submitted that Landell discloses no downrigger counter device whatsoever, but instead merely relates to a lighted tackle box.

In addition, Landell component 20 is not a downrigger board assembly, but merely is a tray 20.

In addition, the ruler on Landell tray 20 is not a downrigger counter.

Further, it is respectfully submitted that Landell light bulbs 38 do not constitute lighting means operably connected with a downrigger board assembly and with at least at least one downrigger counter for supplying light to a downrigger counter to aid a user of the downrigger counting device to set up equipment in dark or limited light conditions, as required by applicant's claims.

In regard to claims 5 and 6, it is respectfully submitted that Landell does not disclose any downrigger counter whatsoever, and does not disclose a downrigger counter at each end of a downrigger board assembly, as required by applicant's claims 5 and 6.

The OA rejects original claims 1 and 2 under 35 USC 102(b) as allegedly being anticipated by Adams 4,422,258.

The OA states that Adams discloses a downrigger board assembly (10; assembly is not being particularly recited); at least one downrigger counter (35; counter not being particularly claimed); and lighting means (42-44).

Applicant respectfully traverses this rejection.

Applicant respectfully submits that Adams casing 10 does not constitute a downrigger board assembly.

Furthermore, it is respectfully submitted that Adams hull 35 does not constitute a downrigger counter.

In addition, it is respectfully submitted that Adams lamps 42-44 do not constitute lighting means operably connected with a downrigger board assembly and a downrigger counter for supplying light to a downrigger counter to aid a user of the downrigger counter device to set up equipment in dark or limited light conditions, as specified in applicant's claims.

In contrast, the colored lamps 42-44 of Adams are merely lit according to the amount of pull on line 16.

In light of the foregoing, applicant respectfully requests reconsideration of the anticipation rejections, with a view toward withdrawing same.

#### **CLAIM REJECTIONS – 35 USC § 103**

The OA rejects original claims 5 and 6 under 35 USC 103(a) as being unpatentable over King 4,050,180.

The OA states that alternatively, King discloses a single counter at one end of the board assembly, but does not disclose a downrigger counter on a downrigger counter at each end of the downrigger board assembly.

The OA states it would have been obvious to the artisan at the time the invention was made to employ a downrigger counter at each end of the downrigger board assembly, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, and because a counter at each end of the downrigger board assembly would allow the user to easily

view the depth counter from multiple positions so as to be able to view depth indication at the closest one.

Applicant respectfully traverses this rejection.

It is respectfully submitted that King does not disclose or make obvious lighting means operably connected with the downrigger board assembly and the downrigger counter for supplying light to the downrigger counter to aid a user of the downrigger counter device to set up equipment in dark or limited light conditions, as required by applicant's claims 5 and 6. Indeed, King does not disclose or suggest any lighting means whatsoever.

The OA rejects original claims 5 and 6 under 35 USC 103(a) as being unpatentable over King 4,050,180 in view of Booth 4,000,653.

Applicant respectfully traverses this rejection.

The OA concedes that King does not disclose a downrigger counter on a downrigger counter at each end of the downrigger board assembly.

Furthermore, it is respectfully submitted that King and Booth, taken singly or in combination, fail to disclose or make obvious lighting means operably connected to the downrigger board assembly and a downrigger counter for providing light to the downrigger counter to aid a user of the downrigger counter device to set up equipment in dark or limited light conditions, as required by applicant's claims.

In view of the foregoing, it is respectfully requested that the 35 USC 103 rejections be reconsidered with a view toward withdrawing same.

It is also noted that no prior art references have been applied against original claims 3, 4, and 7-20.

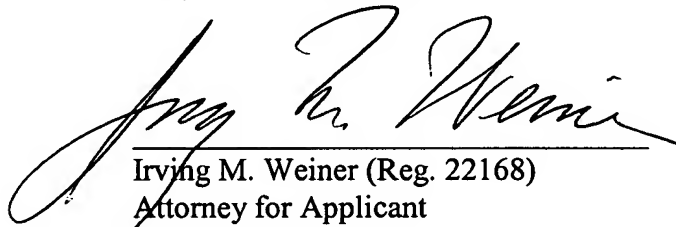
Applicant respectfully submits that the application is now in condition for allowance, and a

notice to this effect is earnestly solicited.

If the Examiner is not yet convinced that the application is now in condition for allowance, it is respectfully requested that the Examiner promptly telephone the undersigned attorney for applicant in an effort to facilitate the prosecution, and/or to narrow the issues for appeal, if necessary.

Favorable reconsideration is respectfully requested.

Respectfully submitted,



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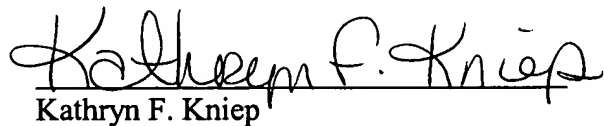
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**Certificate of Mailing**

I hereby certify that the foregoing amendment was sent by first class mail to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on March 14, 2005.



Kathryn F. Kniep

### **AMENDMENTS TO THE DRAWINGS**

Applicant encloses a replacement sheet for the drawings.